

REMARKS

Claims 6 and 8-23 are currently pending in this application. In view of the following remarks, the Examiner is respectfully requested to give due reconsideration to this application in view of the enclosed certified English Translation of the priority document of the application as well as the IDS references filed on December 29, 2004, to indicate the allowability of the claims, and to pass this case to issue.

Discussion

The method for fabricating an image display device of the invention, as now recited in claim 6, is characterized in that the drive circuit region has a first region and a second region which extend in the peripheral circuits, and the scanning with said laser beam having the pulse width and/or pulse interval modulated is performed reciprocally. Such features were described in the priority document as evidenced in the certified English Translation of the priority document such that they are entitled to the Japanese priority date of July 24, 2002.

Applicants contend that (1) US Pat. No. 6,713,324 of Shiba et al. and (2) US Pat. App. Pub. No. 2001/0026835 A1 of Tanaka both fail to teach or suggest the above-mentioned features, while the other five references (3)-(7) do not qualify as prior art references. These five references do not qualify under 102(a) since they were published after the Japanese priority date 7/24/2002 of the invention as shown below:

	US filing date	Pub. Date
(3) US Pat. App. Pub. No. 2003/0068836 A1 of Hongo et al.	10/10/2002	4/10/2003
(4) US Pat. App. Pub. No. 2003/0227038 A1 of Kikuchi et al.	1/16/2003	12/11/2003
(5) US Pat. App. Pub. No. 2003/0181043 A1 of Tanada et al.	12/27/2002	9/25/2003
(6) US Pat. No. 6,797,550 of Kokubo et al.	12/18/2002	9/28/2004
(7) US Pat. App. Pub. No. 2003/0166315 A1 of Tanada et al.	11/27/2002	9/4/2003

References (3)-(7) further do not qualify under 35 U.S.C. § 102(e) as prior art references against the application, since their U.S. filing dates were “later” than (rather than “before”) the earliest effective filing date (Japanese priority date) of the present application, 7/24/2002. Under the Hilmer I doctrine (MPEP. 2136.03), Applicants’ JP priority date may be used to predate their US filing dates, even if their JP priority dates predated the application.

A U.S. patent reference is effective prior art as of its U.S. filing date. 35 U.S.C. 119(a)-(d) and (f) does not modify section 102(e) which is explicitly limited to certain references "filed in the United States before the invention thereof by the applicant" (emphasis added). Therefore, the foreign priority date of the reference under 35 U.S.C. 119(a)-(d) and (f) cannot be used to antedate the application filing date. In contrast, applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date. In re Hilmer, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) (Hilmer I) (Applicant filed an application with a right of priority to a German application. The examiner rejected the claims over a U.S. patent to Habicht based on its Swiss priority date. The U.S. filing date of Habicht was later than the application's German priority date. The court held that the reference's Swiss priority date could not be relied on in a 35 U.S.C. 102(e) rejection. MPEP. 2136.03.

In view of all the above, Applicants respectfully submit that (3)-(7) references are not 35 U.S.C. § 102(e) prior art references against the application. Rather, the present invention as a whole is distinguishable, and thereby allowable over the (1)-(7) references.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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